

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

L.F.P. IP, LLC, et al.,

Plaintiffs

vs.

HUSTLER CINCINNATI, INC., et al.,

Defendants

Case No.: 1:09-cv-913

Bertelsman, J.
Bowman, M.J.

ORDER

Pursuant to local practice, a telephonic hearing was held at 2:00 p.m. on Monday, December 27, 2010 concerning Plaintiff's recently filed motion to compel discovery (Doc. 81).¹ Mark Vander Laan and Amanda Lenhart appeared on behalf of Plaintiffs, and Robert Hojnoski, Carrie Masters, and Shea Conley appeared on behalf of Defendants. In addition to the issues presented by Plaintiffs' motion, both parties alerted the court to additional discovery issues which will require an additional hearing.

The court having reviewed Plaintiffs' motion and having heard oral argument from both parties, **IT IS ORDERED HEREIN:**

1. By agreement of the parties and this court, the deadline for completion of discovery is hereby extended from December 24, 2010 until **January 3, 2011**;

2. Plaintiffs' motion to compel Defendants to respond to Interrogatories and Requests for Production of Documents contained in the November Discovery Requests (Doc. 81) is **DENIED AS MOOT** in light of Defendants' representation that responses to the prior requests have been produced this day, but without prejudice to Plaintiffs' ability to further challenge the adequacy of any *specific* response;

¹The court convened the telephonic hearing well before the expiration of response time to Plaintiffs' motion, due to the fact that a bench trial in this matter is scheduled for January 18, 2011.

3. Plaintiffs' motion to compel Defendants to produce for inspection the documents maintained in the office of Allie Jackson & Associates (Doc. 81) is **GRANTED** to the extent that Defendants shall make the documents available for inspection on **Monday, January 3, 2011 at 9:00 a.m.**;

4. Plaintiffs' motion to recover their costs and reasonable attorney's fees (Doc. 81) is **taken under submission** pending further review;

5. Plaintiffs' oral motion to compel Defendants to produce the expert report of Mr. Moll is **GRANTED** to the extent that Defendants should make Mr. Moll available for deposition and produce his report not later than **Friday, December 31, 2010**. However, this ruling expresses no opinion on whether Mr. Moll's testimony will prove to be admissible, as that matter is reserved to the trial judge;

6. Defendants' oral motion to compel Plaintiffs to produce the documents referenced in the recently produced 211 page index of documents located in the basement of corporate headquarters at 8484 Wilshire Blvd in Beverly Hills, California is **GRANTED IN PART**. Plaintiffs shall take immediate steps to ship the documents to Plaintiffs' counsel's Cincinnati, Ohio office for inspection by defense counsel, with Plaintiffs to advance 100% of the reasonable shipping costs, but with 50% of those costs to be billed to and paid by Defendants. Not later than **5:00 p.m. on Tuesday, December 28, 2010**, Plaintiffs shall notify defense counsel of the total shipping costs, with Defendants immediately to confirm or object to the proposed method and costs;

7. On or before **10:00 a.m. on Wednesday, December 29, 2010**, counsel shall transmit via email to bowman_chambers@ohsd.uscourts.gov a Statement of Discovery Issues (not to be filed of record), listing any issues that remain in dispute. For the convenience of the court, the issues should be numerically listed in "bullet point" form;

8. Defendants shall make available for deposition witnesses Baes and Chamberlain, to the extent that those witnesses may be called at trial;

9. On or before **12:00 p.m. on Wednesday, December 29, 2010**, Plaintiffs shall transmit both a redacted and an unredacted copy of the 1988 Larry Flynt Trust document, as amended, to the court for its *in camera* review. Said document may be transmitted to bowman_chambers@ohsd.uscourts.gov.

10. Defendants' motion for leave to admit attorney Shea Conley *pro hac vice* (Doc. 77) is **GRANTED**;

11. A follow-up telephonic conference concerning any items referenced in the parties' respective Statement of Discovery Issues shall be convened on **Wednesday, December 29, 2010 at 3:30 p.m.**, with counsel to call in to the conference number as further directed by this court.

/s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge